

cc: JMS  
USA

ORIGINAL

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

FELIPE DOMANGUERA

Name

91108-022

Prison ID/Reg. No.

FBI Lompoc

Address/Place of Confinement

Note: If represented by an attorney, use attorney's  
name, address & telephone number

Note: It is your responsibility to notify the Clerk  
of the Court in writing of any change in your address.

OCT 27 2006

at 3 o'clock and 55 min. PM  
SUE BEITIA, CLERK

UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

UNITED STATES OF AMERICA

v.

Felipe Raguinden Domanguera

FULL NAME

(Include name under which you were convicted)

CASE NO.

(To be supplied by Clerk of the Court)

CR 04-00061-JMS-02  
CV06 00580 JMS KSC

ARTHUR G. ROSS, ESQ  
126 QUEEN STREET, SUITE 210  
HONOLULU, HI 96813  
808-521-4343  
CJA ATTORNEY FOR FELIPE DOMANGUERA

MOTION PURSUANT TO 28 U.S.C. § 2255 CHALLENGING A SENTENCE  
IMPOSED BY THE U.S. DISTRICT COURT FOR THE DISTRICT OF HAWAII

READ THESE INSTRUCTIONS CAREFULLY

In order for this motion to receive consideration by the District Court, it shall be in writing (legibly handwritten or typewritten) by the Movant, under penalty of perjury, and it shall set forth in concise form the answers to each applicable question. If necessary, Movant may finish an answer to a particular question on the reverse side of the page or on an additional blank page. Movant shall make it clear to which question any such continued answer refers.

Since every motion under Section 2255 of Title 28, United States Code, must be under penalty of perjury, any false statement of a material fact therein may serve as the basis of prosecutions and conviction for perjury. Movant should therefore exercise care to assure that all answers are true and correct.

If the Motion is made in forma pauperis, it shall include an affidavit (beginning at page 8 of this form) setting forth information which established that the Movant will be unable to pay the fees and costs of the 2255 proceedings. When the form is completed, the original and 2 copies shall be mailed to:

Clerk of the U.S. District Court  
Federal Courthouse  
PJKK Federal Building  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850

SECTION 2255 MOTION CHALLENGING SENTENCE

1. Place of detention FCI Lompoc, 3600 GUARD ROAD, Lompoc, CA 93436

2. Name and location of Court which, and name of judge who, imposed sentence U.S. DISTRICT COURT, HONOLULU, HAWAII  
U.S. DISTRICT JUDGE J. MICHAEL SEABRIGHT

3. Indictment number(s) (if known) upon which the offense(s) for which sentence was imposed:

- (a) 04-CR-00061 JMS  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

4. Date upon which sentence and the terms of the sentence imposed:

- (a) OCTOBER 19, 2005, 108 months (+ 4 yrs Supervised release); Dkt # 186  
(b) \_\_\_\_\_  
(c) \_\_\_\_\_

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5. Check whether a finding of guilty was made:

- (a) after a plea of guilty X
- (b) after a plea of not guilty \_\_\_\_\_
- (c) after a plea of nolo contendere \_\_\_\_\_

6. If you were found guilty after a plea of not guilty, check whether that finding was made by:

- (a) a jury \_\_\_\_\_
- (b) a judge without a jury \_\_\_\_\_

7. Did you appeal from the judgment of conviction or the imposition of sentence? NO

8. If you answered "YES" to question 7, list

(a) the name of each court to which you appealed:

- I \_\_\_\_\_
- II \_\_\_\_\_
- III \_\_\_\_\_

(b) the result of each such court to which you appealed:

- I \_\_\_\_\_
- II \_\_\_\_\_
- III \_\_\_\_\_

(c) the date of each such result:

- I \_\_\_\_\_
- II \_\_\_\_\_
- III \_\_\_\_\_

(d) citations of any written opinions or orders entered pursuant to such results, if known:

- I \_\_\_\_\_
- II \_\_\_\_\_
- III \_\_\_\_\_

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9. State concisely the grounds on which you base your allegation that the sentence which was imposed on you is invalid: *See Memo in Support*

- (a) INEFFECTIVE ASSISTANCE OF COUNSEL; INCORRECT ADVICE ON RIGHT TO APPEAL
- (b) INEFFECTIVE ASSISTANCE OF COUNSEL; NO ADVOCACY OF APPEAL ISSUES PRE-SENTENCE
- (c) \_\_\_\_\_

10. State concisely and in the same order the facts which support each of the grounds set out in (9): *See Memo in Support*

- (a) EXHIBIT G - ATTORNEY DID NOT KNOW THAT PETITIONER COULD CHALLENGE VALIDITY OF APPELLATE WAIVER ON APPEAL + FAILED TO ADVISE OF RIGHT TO APPEAL; DID NOT ADVISE OF RIGHTS; DID NOT COMMUNICATE
- (b) ABANDONED PETITIONER AT SENTENCING, POSSIBLY BASED ON IDEA THAT PETITIONER COULD NOT APPEAL ANYTHING; NO ARGUMENTS PRESENTED BASED ON APPEAL & ITS PROGENY
- (c) \_\_\_\_\_

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11. Have you previously filed petitions for habeas corpus motions under section 2255 of Title 28, United States Code, or any other applications, petitions or motions with respect to this conviction? NO

12. If you answered "YES" to (11), list with respect to each petition, motion or application

(a) the specific nature thereof:

I \_\_\_\_\_  
II \_\_\_\_\_  
III \_\_\_\_\_

(b) the name and location of the court in which each was filed:

I \_\_\_\_\_  
II \_\_\_\_\_  
III \_\_\_\_\_

(c) the disposition thereof:

I \_\_\_\_\_  
II \_\_\_\_\_  
III \_\_\_\_\_

(d) the date of each disposition:

I \_\_\_\_\_  
II \_\_\_\_\_  
III \_\_\_\_\_

(e) citations of any written opinions or orders entered pursuant to each such disposition, if known:

I \_\_\_\_\_  
II \_\_\_\_\_  
III \_\_\_\_\_

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13. Has any ground set forth in (9) been previously presented to this or any other federal court by way of petition for habeas corpus, motion under section 2255 of Title 28, United States Code, or any other petition, motion or application? NO

14. If you answered "YES" to (13), identify

(a) which grounds have been previously presented:

I \_\_\_\_\_  
 II \_\_\_\_\_  
 III \_\_\_\_\_

(b) the proceedings in which each ground was raised:

I \_\_\_\_\_  
 II \_\_\_\_\_  
 III \_\_\_\_\_

15. Were you represented by an attorney at any time during the course of

(a) your arraignment and plea? YES

(b) your trial, if any? \_\_\_\_\_

(c) your sentencing? YES

(d) your appeal, if any, from the judgment of conviction and/or the imposition of sentence? N/A

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? NONE PREVIOUS TO THIS ONE FILED

16. If you answered "YES" to one or more parts of (15), list

(a) the name and address of each attorney who represented you:

I LANE TAKAHASHI (to APRIL 13, 2004); 345 FORT STREET, SUITE 2121, HON. HI 96813  
 II JERRY E WILSON (to NOV. 12, 2004); 220 S. KING STREET, STE 1450, HON. HI 96813  
 III BRANDON FLORES (to AUG. 24, 2006); 707 RICHARDS ST. STE 516, HON. HI 96813

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WHEREFORE, Movant prays that the Court grant Movant relief to which he may be entitled in this proceeding.

Signed under penalty of perjury \_\_\_\_\_

at October 27, 2006  
Date

Arthur E. Ross  
Signature of ~~Movant~~ *CSA counsel Arthur E. Ross*  
*for Movant/Petitioner Felipe Dominguez*

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